

DRAFT MINUTES
Thursday, November 18, 2010
Lower Feather River Corridor Management Plan
Work Group Meeting
Member Attendance

Name	Affiliation	Telephone #
Earl Nelson	FPCP Department of Water Resources	916-574-1244
Tony Danna	FMO Department of Water Resources	916-574-2738 916-531-2410 c
Erin Brehmer	FPCP Department of Water Resources	916-574-2236
John Carlon	River Partners	530-894-5401 x224
Steve Fordice	River District 784	530-742-0520
Terri Gaines	FESSRO Department of Water Resources	916-653-6520
Jennifer Hobbs	U.S. Fish and Wildlife Service	916-414-6541
Mike Hendrick (<i>Conf Call</i>)	NOAA - National Marine Fisheries Service	916-930-3605
Gary Hobgood	Department of Fish & Game	916-983-6920
Ryan Larson	US Army Corps of Engineers	916-557-7568
Andrea Mauro	Central Valley Flood Protection Board staff	916-574-0332
Ray McDowell	FESSRO Department of Water Resources	916-651-7192
Nancy Morticz	Central Valley Flood Protection Board staff	916-628-0553
Scott Rice	Department of Water Resources	916-837-6415
Alicia Seesholtz	DES Department of Water Resources	916-376--9848
Gary Sprague (<i>Conf Call</i>)	NOAA - National Marine Fisheries Service	916-930-3615
Don Trieu	MBK Engineers	916-456-4400
Jeffrey E. Twitchell	Levee District 1 & Yuba City Basin	916-631-4555
Matt Wacker	AECOM	916-266-4907
Tim Williamson	Department of Fish & Game	530-538-2236

Agenda development review

- Earl Nelson – Began meeting by clarifying the agenda and issues to be discussed.

Handouts

- Agenda
- Operations & Maintenance Subcommittee memo from Andrea Clark to Paul Brunner (October 19, 2010)
- Scope of work for Hydraulic Modeling

Task order timeline

- Tony Danna – discussed where we are on the Lower Feather River CMP timeline and upcoming events.

MOU Abbott Lake and Feather River Wildlife Areas

- Earl Nelson – discussed the issues with the approval process for amending the 2006 DFG/DWR MOU. The MOU regarding the Valley Elderberry Longhorn Beetle (VELB), elderberry bushes, and how the two state agencies – draft MOU. Discussion followed on if USFWS should be a signature on the MOU.
- Mike Hendrix – felt that NIMS was not involved in these discussions and perhaps should have been involved.
- Jon Carlon – This MOU is VELB issues driven and is directly tied to the USFWS Biological Opinion.

- Gary Hobgood – This MOU does not include any of the mitigation issues. The Lower Feather River corridor wildlife areas are only part of this MOU.
- Jennifer Hobbs – The more members or signatories of an MOU the more complex it will for the USFWS office.
- John Carlon – Background discussion on how we got here. Permitting issues was the basis for this MOU and had evolved from the MOU and restoration work on O'Connor Lakes Wildlife area. Ryan Broderick (past DFG Director) was involved and basically pushed through the MOU. The existing agreement (MOU) is with the state agencies - DSP & DFG & DWR. Since DFG and DWR co-manage the corridor state owned property. Section 7 is the nexus from the USFWS Sacramento River Refuges to the State Wildlife Areas on the Feather. When the Biological Opinion was signed it covered the 1200 elderberry plants on O'Connor Lakes Wildlife Area. This baseline number of elderberry plants was set with this Biological Opinion and MOU. As long as the number of elderberry plants stayed above this baseline number there was no issue. Wayne White was very instrumental in pushing this MOU through. MOA was signed to describe who had the maintenance responsibility. This is a separate agreement between DWR and DFG.
- Earl Nelson - Additional species were included.
- John Carlon - Appendix A should have allowed for expansion of area and species to the MOU.
- Jeff Twitchell – It is hard to understand why so many MOU's and MOA's are needed for this area. It would seem to be simpler to write one MOU to define how the state agencies and the USFWS work together for species and habitat management will occur.
- Terri Gaines – Perhaps we need to sort this whole issue out and then start from scratch.
- John Carlon – It takes too long to deal with a new issue and then gets too complex to work out an agreement. This process was meant to be the quick and easy fix to allow for the Abbot Lakes restoration project to proceed.
- Terri Gaines – I think this should be ironed out in the most thorough process, because if the MOU and the CMP are to be the future template for all agreements we need to get it right. While this is the pilot, perhaps future MOU's will be easier.
- Earl Nelson – It is hard to be on a new project setting the stage for all those who follow. This MOU "fix" did not work out, but it can be fixed.
- John Carlon – I thought the appendix A was going to be the "new" template and only deal with the VELB issues.
- Jeff Twitchell – Vegetation restoration mitigation is the issue here not just a single project mitigation, so it is not a perfect fit based on past issues. This is not a standalone project.
- John Carlon – There are multiple ownerships and objectives to be achieved doing restoration work and sometimes old maintenance and new projects get mixed together to achieve multiple objectives.
- Gary Hobgood – This MOU should tighten up the single issue versus trying to fix everything.
- Earl Nelson – The draft MOU is too big already.
- Gary Hobgood – The new Routine Maintenance Agreement is under review right now and it will not deal with the larger sediment removal projects.
- Matt Wacker – Routine task done every several years may allow sediment removal projects to be under this agreement.
- Terri Gaines – This maybe beyond O&M or is this routine allowed for bigger projects?
- Earl Nelson – The Giant Garter snake issues maybe a issue.
- John Carlon – 95% of the issues in the Lower Feather River CMP are the VELB. The conflicts in the region are all associated with VELB.

Action Item: Status of MOU & DFG/DWR meeting follow-up

Task Order I – Matt Wacker

Deliverables

1. Gather & Review Background Info
 - a. Data collection & review technical memo
(Draft into DWR by December 15th, 2010)
2. Biological Resources Reconnaissance Surveys
(1/2 the work is done. More field work will be done next week.
All report will be done by January 20th, 2011 meeting.)
 - a. Technical memo
(Completed and in Draft by December 15th, 2010.)

3. Prepare Maps
 - a. Regional project base
(updated with new boundary descriptions December 15th, 2010.)
 - b. Restoration maps will be done soon after the first of the year.
4. Stakeholder Outreach Support
 - a. Stakeholder meetings
 - b. Conceptual permitting strategy tech memo needs to be completed after the first of the year.
5. Project Work plan, Permitting Strategy & Tech Memo for Phases 2, & 3. *Time or date estimate?*

Task Order II – Matt Wacker

- A. The Corridor Management Plan
Draft Task Order II by the end of December 2010.
 - River Partners meeting, restoration and stakeholder outreach
 - The Plan of what the document will include.
- B. Permit identification and requirements:
Clean Water Act Section 404; Rivers and Harbors Act Section 10; Clean Water Act Section 401&402; Federal Endanger Species Act, Sections 7&10; Migratory Bird Treaty Act; National Historic Preservation Act; Native American Graves Protection and Repatriation Act; Federal Executive Order 11988, Floodplain Management; Streambed Alteration; California State Lands Commission; Central Valley Flood Protection Board; California Endangered Species Act
- C. CEQA Requirements
- D. NEPA Requirements (required from USFWS and US Army Corps of Engineer with federal nexus)
- E. Hydraulic Modeling both 1D and 2D.
- F. Geomorphic Analysis of Channel Dynamics Modeling

Last Meeting Follow-up

- **Vegetation restorations - Star Bend Update**
- Jeff Twitchell - The Central Valley Flood Protection Board ("Board") wanted a vegetation management plan in order to approve a LD1 - Operation, Maintenance, Repair, Replacement, and Rehabilitation Agreement (OMRR&R) for Star Bend Setback. The draft plan was discussed and copies were handed out to several organizations to review, including USFWS, DFG, River Partners, and CVFPB. The plan addresses the vegetation situation as it exists today. This is the site adjacent to O'Connor Lakes. The vegetation plan is an adaptable plan, and sets times restrictions for maintenance activity during the year. The vegetation plan will protect the VELB and elderberry. The Vegetation Plan will be on the agenda for the CVFPB Dec 3rd, 2010 agenda.
- Earl Nelson – Was USFWS involved in the writing or review of this document?
- Jeff Twitchell – No, USFWS has not reviewed yet. There may be some Safe Harbor (like) provisions in this document that the USFWS may consider. The document also addresses the higher N value (residence to flow) that the CVFPB may want to address. There is not a high demand for thinning within the vegetation plan maintenance requirements.
- Gary Hobgood - This plan may need an encouragement permit from DFG to be implemented. Does this plan stand alone or is it part of a larger plan.
- Jeff Twitchell – This plan can be part of the O'Connor Lakes Wildlife Area and may be considered as part of that area. All setbacks should be included within a baseline condition in the corridor. As the result of improving the 200 year flood year requirement within the corridor there has been a 2 - 6 foot drop flood levels.
- John Carlon - LD-1 is looking at the legal authority. Does this address the USACE requirements?
- Jeff Twitchell – meets the requirement of the USFWS and CVFPB and Corps.
- Gary Hobgood – Beyond the authority of the LD1, does this decision belong to the CVFPB.
- Jeff Twitchell – Levee maintenance deals more with the 6 foot free board to protect the levee, but that level fluctuates.
- Nancy Moricz – We are talking about too many issues here based on differing opinions. The Board was established only to deal with public safety issues. The CVFPB is balancing the difference between the safety issues while allowing or promoting the restoration work. There has been no flood event since setback levees were completed and the restoration work was done in O'Connor Lakes, so we don't know what the results of

these actions. Again, the CVFPB is dealing with a balancing act and are most concerned with the impacts to the levees from a flood event. The protection of the levee is the most significant issues in the perspective for the Board.

- Ray McDowell – Who owns the freeboard capacity? Group Discussion: That appears debatable. The safety issue appears to trump all other issues.
- Terri Gaines – A Work Group task might be to identify all the existing and potential permits / MOU's in the CMP area. Action Items – Existing Permits and MOU's Spread Sheet – break out as the private vs. public.
- Earl Nelson – Vegetation management plan is required to do mitigation actions. The CVFPB will approve the OMRR&R only after they approve or accept the Vegetation Management Plan?
- Jeff Twitchell – The OMRR&R has been approved pending the acceptance of the LD-1 Vegetation Management Plan. There are 49 acres of expansion in the Feather River flood plain, following the Star Bend Levee Setback. LD1 is holding all those acres for mitigation restoration area.
- Jennifer Hobbs – The Vegetation Management Plan will be more extensively reviewed, but based on a quick scan of the document, it is looks good.
- Ryan Larson – The USACE is reviewing the Vegetation Management Plan document and we will be commenting soon. This Plan must follow the addendum to the existing manual. I have some concern with the channel profile being changed. It must still fit the 1957 profile. There is no rubber stamp approval on this process. It cannot change the baseline data.
- Jeff Twitchell – The 1957 profile is above the 200 year level for the most part. Further south or downstream it goes below the 1957 profile level.
- John Carlon - The 1957 profile will give you the 200 year flood year protection level.

- **Lower Feather River CMP Study Boundary**

- Discussion on Lower Feather River CMP Project Boundary**

- Feather River – upstream boundary- The Feather River to Hwy 20 (Colusa Ave) Bridge.
- Yuba River - The Yuba River to the Hwy 70 overpass.
- Bear River - The Bear River to the Hwy 70 Bridge.
- Feather River – downstream boundary - The confluence with the Sutter Bypass
- Feather River – width - The levee legal easement from landside to landside
- Terri Gaines – We should keep our options open and expand the CMP beyond the existing levee if needed.
- Earl Nelson – This was not mentioned at the Interagency Collaborative briefing yesterday.
- Ray McDowell – We should be looking outside of the described boundaries for the other options or opportunities in the future.
- Jeff Twitchell – The CMP boundary should be within the levee boundary and consider any future setbacks based on studies and local community need.
- Terri Gaines – The Central Valley Flood Protection Plan is being developed to look at the bigger picture for the region.
- Earl Nelson – Determining the levee easement for approximately 50 miles will be a difficult process and take substantial time to completed. The amount of area between the crown of the levee and the landside toe is not significant. Perhaps use the average angle from the levee crown to the toe. Then determine the average distance to the landside plus 10 feet beyond the toe to determine the distance from the crown. I would estimate this would be 20 to 25 feet from the crown. I think this would be a good estimated project easement and CMP boundary. This could be easily done through GIS processes.
- Ryan Larson – I recommend from the landside toe out 15 feet to estimate the easement.
- Earl Nelson - The modeling extension into the Sutter Bypass would only be addressed for hydraulic modeling purposes. The end of the CMP study area would be the confluence of the Feather River with the Sutter Bypass.
- Nancy Moricz – The CVFPB are officially the manager of the Sacramento and San Joaquin Water District lands.
- Ray McDowell – I think we ought to deal with this estimated boundary and give up on any precisely defined boundary. I do not see any reason for the time and effort to be invested in further study of this issue.

BREAK

- **Recreation Enhancement & Trails & Maintenance** Discussion Delayed to future meeting. What types of recreation are compatible; buffer area needs; maintenance and law enforcement responsibilities?
- **Setback Levees & Hydraulic modeling – Policy Development**
This topic was deferred to the next session on the Hydraulic Modeling subcommittee discussion.

Subcommittee Reports

Hydraulic Modeling

- Jeff Twitchell- Introduction of Don Trieu from MBK. The proposed hydraulic modeling will be a combination of a series of models. The consulting firm CBEC, is working on the low flow plain modeling. There are several engineering consultants working on different aspects of the river hydraulic modeling working together. This is a big effort and should meet the needs of the Task Order Items: A 1-8 task and B
- Don Trieu – The work is done on sediment study using 2D modeling on the Feather River from the confluence of the Yuba River downstream to the Bear River. This task was completed by using two different projects by PWA & CBEC consultants. The Sutter Bypass geographic work is done.
- John Carlon – There is sediment concerns at the Feather confluence with the Sutter Bypass.
- Don Trieu – This should be addressed by the proposed hydraulic modeling. The grid has various size determined by would situation you want studied. The Feather River CMP must define what needs to be determined and what is the project level of study and scope.
- Earl Nelson – Why is the grid size not the same within the corridor and is the Sutter Bypass using the same grid size as the Feather River will be using? The answer was the grid size varies for multiple reasons.
- Don Trieu – Wayne Rogers consultants are still working on refining the LiDAR data (Light Detection And Ranging - A method of measuring distant objects and determining their position, velocity, or other characteristics by analysis of pulsed laser light reflected from their surfaces). The data will be the same for the CVFPB data used on the Sutter Bypass. This data should be ready for use in the Feather River in March 2011.
- Ray McDowell – We need the detail terrain model for the EFM analysis too. I have been waiting to get the LiDAR data too. We had hoped that Wayne Rogers would break loose some of the data.
- Jeff Twitchell - RMA2 model may not use the new LiDAR data.
- Don Trieu - The potential for the Setback for the 1D model for that information.
- Jeff Twitchell – The subcommittee is working on defining the scope of work and will share with the Work Group at our next meeting. Currently the subcommittee is working on the Budget.
- There will be a CVFPP Meeting the week after Dec 6th.

Operations and Maintenance (O&M) Funding

- Paul Brunner – O&M funding discussion went to the lawyers - Nancy Finch and Downey/Brand Attorneys and they had a discussion. The attached Memorandum was sent to Paul Brunner by TRLIA legal representative. He shared this Memorandum with the Work Group. The bottom line is there is no easy process to long term guaranteed O&M funding. “DWR funds flood improvement and repair projects through the Early Implementation Program (EIP), which utilizes funding from both Propositions 84 and 1E, including the capital costs of project-related environmental mitigation.” As defined in this Memorandum, “EIP funding is not available for the costs of long-term operation and maintenance of such environmental mitigation even though endowments to fund operation and maintenance are required under both State and Federal approvals for the projects.” “At a time when it has become increasingly difficult for local entities to raise funds, it makes sense for DWR to consider funding long-term operation and maintenance of mitigation for projects that DWR has funded.”
- The payment or reimbursement for mitigation efforts might be a long term goal but it is not available at this time. Onsite mitigation work will not be funded by state. No further discussion occurred.

Permitting Subcommittee

- Matt Wacker began the discussion by presenting the subcommittee findings.
 - Permit identification and requirements included: Clean Water Act Section 404; Rivers and Harbors Act Section 10; Clean Water Act Section 401&402; Federal Endanger Species Act,

Sections 7&10; Migratory Bird Treaty Act; National Historic Preservation Act; Native American Graves Protection and Repatriation Act; Federal Executive Order 11988, Floodplain Management; Streambed Alteration; California State Lands Commission; Central Valley Flood Protection Board; California Endangered Species Act; CEQA Requirements; NEPA Requirements (required from USFWS and US Army Corps of Engineer with federal nexus).

- Gary Hobgood – Discussed the Feather River Channel routine maintenance definitions. He discussed the new Routine Maintenance Agreement and the different levels of maintenance (such as mowing and heavy equipment for scouring holes; dragging, grouting holes, etc.) Wildlife areas needs will be defined by DFG (specifically Dale Whitmore in this corridor). Permits are still needed for types of maintenance work. The existing agreement expired in June 2010. The new RMA will last for 5 year (with an extension of an additional 5 years possible).
- Steve Fordice – Will the RMA include channel clean out and grazing opportunities? The answer was yes.
- Matt Wacker – The sediment removal is a long timeframe routine activity and the questionable area.
- Gary Hobgood – The sediment removal will require a 1600 permit.
- Matt Wacker- The smaller routine maintenance is not the big issue. It is these larger projects, like sediment removal, which is routinely done every 5 to 10 years depending on floods and funding.
- Gary Hobgood – Programmatic Agreements will not be possible for sediment removal.
- Terri Gaines – A quantity value (cubic feet) needs to be set, so that we can define a level within the routine maintenance for sediment removal versus a greater level for “major” project. What would a good value be a small routine sediment removal (10,000 yards or 10,000 tons?). What sort of a scale could be used for a parameter?
- Earl Nelson – Some sort of tier document should be developed to allow us to move forward on this issue.
- Jeff Twitchell – What is the specific sediment issue are we are discussing here?
- John Carlon – Currently we have been looking at the sediment at Nelson Slough as a collection site and this area might be used for future management efforts. This site lends itself well to a low removal effort and could eventually result in greater benefits to the entire region.
- Jeff Twitchell – So, this site would result in a single removal permitting site in Nelson Slough area and would benefit the Sutter Bypass and other areas by reducing sediment discharge elsewhere.
- Earl Nelson – This is a great opportunity not to be overlooked. I think the permitting here will have less issues associated with the removal of sediments. The removed material could be used for seepage berms near other levees and may help DWR’s Flood Maintenance Office to use this sediment material elsewhere.
- Gary Hobgood – Sediment build up is a problem at the State Cut area near Marysville. The level of sediment has built up to be a concern if we have a high water flow problems and it is not being removed.
- John Carlon - Maintenance in DWR is not being driven by hydraulic modeling but by politics and usually externally driven. The focus on sediment removal activities should be driven with good science and engineering. The hydraulic modeling should be used in future efforts to pre-decide “where,” “how much,” and “how often” the work is needed. We need to help DWR reduce the workload of permitting and modeling to improve channel flows for multiple reasons.
- Gary Hobgood – It would help to use the channels for the agricultural interest so private interest would pay for much of this maintenance work to be done.
- Steve Fordice – There may also be an OHV recreation use benefit. The unauthorized use of OHV’s continues degrade the State Cut site mentioned earlier. It is not authorized OHV use. The use of this area and the levee damage caused by unauthorized OHV use is expensive. If we can find a way to capture some sort of fees from “authorized” use of this area, we might be able to cover the maintenance costs and sediment removal from the area. Something to think about!

- Ray McDowell – O&M is often not done for the hydraulic capacity efficiencies reasons as John Carlon mentioned before.

Follow-up to Delphi Exercise III

The Work Group was asked at the last meeting to rate the 156 scenarios' into the following three categories.

“Should this scenario be included within the Corridor Management Plan?”

1. Yes - it should be discussed in the CMP or
2. Yes - it should be analyzed and a solution presented in the CMP or
3. No - no need to address within the CMP.

The Results:

▪ Do NOT address scenario in CMP	14
▪ Resolve scenario in CMP	22
▪ Address or Discuss in CMP	120
▪ Redundant or Same scenario	1

Delphi Exercise IV

The Work Group had selected twenty scenarios from the previous 156 scenarios for further discussion and resolution in the CMP. This exercise allowed the Work Group to define what sort of resolutions should be considered in the CMP. The Work Group was asked to write down their ideas as to what should be included in the CMP to deal with each scenario. Specifically, they were asked to identify whether a new policy, a legislative action, or some other actions was needed to resolve the specific scenario. In addition, they were asked to identify who should take lead on this resolution and over what time period should this action take.

Earl Nelson – The desired outcome of this exercise is to develop topics for discussion in the CMP.

The Work Group worked on the Exercise IV worksheet for about half an hour and then the meeting was drawn to a close.

The Next Meeting

- No December meeting
- The next meeting will be January 20th. No agenda topics were identified.